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Stenographic Record

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NOTICE TO READERS: The Daily Report is publishing the full translation of IZVESTIYA's "stenographic record" of the Congress of People's Deputies. Additional supplements will be issued as translated material becomes available.

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Congress Proceedings Continue 7 Jun

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["USSR Congress of People's Deputies. Stenographic Record."—IZVESTIYA headline]

[Text]

Eleventh Session

7 June 1989. Kremlin Palace of Congresses. 1600.

M.S. Gorbachev, chairman of the USSR Supreme Soviet, is in the chair.

M.S. Gorbachev: Esteemed comrade deputies! Let the work of the congress continue. Before we tackle the questions on the agenda I would like, on behalf of the presidium, to inform the congress about the situation in Uzbekistan, how it is shaping up and developing, and what state it is in.

The situation at the moment is complex. The government commission set up in the republic under the leadership of Comrade Kadyrov, chairman of the Council of Ministers, involving all local and republic organs and with the help of the country's administrative organs, is at work. Much explanatory work is being done, measures are being taken within the sphere of the administrative organs to safeguard people's security and to maintain public order. Nevertheless, one way or another, this situation erupts in one place or another and is accompanied by clashes which lead to injuries or deaths. Instances of arson, though fewer, are continuing. In any event, even though the situation is under control, it has still not acquired a stable character and is not changing resolutely for the better. This worries us all very much, of course. This is yet another signal that we must be patient, restrained, and attentive and that we must show responsibility for our actions and for the situation in the country and in all the regions.... Especially with regard to interethnic relations. I would like to invite you all once more on behalf of the congress to issue to Uzbekistan's working people a fervent appeal to remain composed and calm, and most important of all to do everything necessary to ensure that these events do not get out of control, that the section of the population which, one way or another—and I must say this—is now being incited to extreme methods and using firearms in the process, that the situation is taken firmly in hand and these people are stopped. [sentence as published] We hope that the republic and working people have sufficient strength and that they heed our appeal. In turn, I think, we should issue an instruction that the law enforcement organs of the Soviet Union in cooperation with the republic commission and the republic's working people should do everything possible to protect people's lives so that they are not threatened by the extremist manifestations that are taking place there.

I believe that working people in all republics will hear us and will align themselves with the congress and this wording of the appeal of the first Congress of People's Deputies. If you share this concern, and I am sure that you do, I would ask you to support this appeal and the instruction which we are issuing here by raising your mandate cards.

Please lower them. That is agreed. We will keep the congress informed of events.

Comrades, the first sittings of the USSR Supreme Soviet and its chambers have been held and have resolved the main organizational questions: The chairmen of the chambers have been elected, the standing commissions have been formed, and opinions have been exchanged on the committees common to both chambers. This still has to be definitively resolved at the joint sittings. Nevertheless, the work in this direction goes on. At the joint sitting of the Soviet of the Union and the Soviet of Nationalities today, the chairman of the USSR Council of Ministers was appointed and the chairman of the People's Control Committee was elected.

The USSR Supreme Soviet has appointed Comrade Nikolay Ivanovich Ryzhkov chairman of the USSR Council of Ministers. (Applause).

Comrade Kolbin has been elected chairman of the USSR People's Control Committee. (Applause).

I give the floor to Deputy Nikolay Ivanovich Ryzhkov for the report on the forthcoming activity of the USSR Government.

From the floor: (Inaudible).

M.S. Gorbachev: He will speak, then ask your question. The discussion will continue.... And I intend to speak again.

(N.I. Ryzhkov's report is published on pages 1, 2, and 3). [The translation of the Moscow Television Service in Russian 7 June live broadcast of Ryzhkov's report appeared in the 8 June Soviet Union DAILY REPORT Supplement, pages 15-30.]

M.S. Gorbachev: Comrades, at the stage that we have reached in the work of our congress we need to consult with one another. We in the Presidium have exchanged opinions and want to convey our thoughts to you. We would like to end the sitting of the congress at this point now and resume the joint sitting of the Supreme Soviet chambers at 1800. There are impassioned and very meaningful discussions there, too. That is the first point, that is for today. As for subsequent days, I would ask you, dear comrades, to listen to how we in the presidium see the situation and how we propose proceeding subsequently.

Tomorrow, Thursday 8 June—debates on the question of the basic guidelines of the USSR's domestic and foreign policy and the program of the USSR Government's forthcoming activity. This is my answer to the question which arose before the report. We shall work from 1000 to 1400. At 1400 we shall have a recess, and we in the Presidium are going to discuss the list of questions for inclusion on the agenda under the heading "any other business." This can be done right now, because many questions which were proposed for discussion in this section at some point are already being resolved and are even being reflected in the main decision—the draft decision. It is our intention, and the commission we created together is working toward that, to issue before the sitting a draft resolution "On the Basic Guidelines of Domestic and Foreign Policy" so that deputies have the time to work on them thoroughly.

After that, the evening session will examine the question of the confirmation of the chairman of the Council of Ministers, the election of the Constitutional Oversight Committee, the confirmation of the chairman of the USSR People's Control Committee, the chairman of the USSR Supreme Court, the USSR Prosecutor General, and the Chief State Arbiter.

Day 13. Friday 9 June. The morning sitting—the debates continue. But the debates will end, too, and the congress resolution will be adopted. That is all from 1000 to 1400. The adoption of the congress resolution "On the Basic Guidelines of the Domestic and Foreign Policy of the USSR" and the adoption of the congress resolution "On the formation of the Constitutional Commission." The evening sitting's agenda: items under "any other business." And the congress will finish work on Friday [9 June] evening.

For the Supreme Soviet: The second sitting of the Soviet of the Union is to be held starting at 1000, 10 June, at which the deputy chairman of the Soviet of the Union will be elected (both chairmen of the chambers are presently working with deputies to prepare proposals). The election of standing commissions of the Soviet of the Union. Examination of proposals on the composition of the committees of the USSR Supreme Soviet. At 1300 there will be the second sitting of the Soviet of Nationalities. The same agenda. And at 1600 the second joint sitting of the chambers. The agenda as follows: Election of committees of the USSR Supreme Soviet, examination of the proposals of the chairman of the USSR Council of Ministers on the composition of the USSR Government and also of proposals on the composition of the USSR People's Control Committee, the USSR Supreme Court, and the collegium of the Prosecutor's Office. These proposals are just being submitted now, but subsequently, as we have already said today, to examine these proposals in the Supreme Soviet deputies will clearly need a couple of weeks, because it is necessary to meet with everyone in all the commissions, to get to know one another, to elucidate everything, and to produce a conclusion in order to reach a decision. After the second joint sitting of the chambers, where these proposals will be heard, a recess is declared in the work of the Supreme Soviet until 20 June this year. That will be on 10 June, that is to say, for 10 days.

A.I. Lukyanov: But the commissions will be working.

M.S. Gorbachev: They will. These are the proposals. Can we take them as our basis?

Deputies: We can.

M.S. Gorbachev: Do you need to be given time to consider this, or can we adopt it right now? And if something arises in the meantime, will we introduce modifications at the congress? You need to think about it?

From the hall: Yes.

M.S. Gorbachev: Perhaps we'll resolve it this way, comrades, if it is acceptable? I propose that this be accepted as the basis. Comrades can think about it, and if they have any substantive proposals, they will send them to the Presidium.

From the hall: (Inaudible).

M.S. Gorbachev: No, discussion will continue, Andrey Dmitriyevich, discussion will go on. This is the framework of our work.

From the hall: (Inaudible).

M.S. Gorbachev: But, you know, as far as "any other business" is concerned, we will be working in the Presidium tomorrow and report to you. The point is that many questions have been submitted under "any other business," but we have already set up commissions on three of them, the most important ones. And a number of others questions remain: on standing orders, and several others which are being submitted. The Presidium will submit these proposals for your discussion. I have only set out the framework here, and as far as "any other business" is concerned, there will be another separate proposal on this question.

Who is in favor of adopting these proposals as the basis? Please vote.

Please lower your hands.

Against?

Lower your hands, please.

Abstentions?

Carried. Well, comrades, this basis will give us the opportunity to work and creatively approach and consider possible serious, cogent proposals. Okay?

From the hall: Yes.

M.S. Gorbachev: Fine. A recess in the congress work is declared until 1000 tomorrow. The Supreme Soviet session starts here, where we have been working, at 1800.

7 Jun Evening Supreme Soviet Joint Session

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["First Joint Session of the USSR Supreme Soviet. Stenographic Record."—IZVESTIYA headline]

[Text]

Joint Session of the Soviet of the Union and Soviet of Nationalities

7 June 1989. Supreme Soviet Hall of Sessions in the Kremlin. 1800.

Comrade M.S. Gorbachev, chairman of the USSR Supreme Soviet, is presiding.

M.S. Gorbachev: Four hundred sixty-six deputies are currently registered. Shall we begin?

Deputies: Yes.

M.S. Gorbachev: We are continuing, as agreed, to work through the agenda on which we agreed after the appointment of Comrade Ryzhkov as chairman of the USSR Council of Ministers.

On the candidacy for the post of chairman of the USSR Supreme Court: I want to brief you, comrades, for this is my duty. Many of you took part in the party group sitting when Comrade Lebedev, chairman of the Moscow City Court, was put forward as a candidate. Many lawyers spoke then and said that they have nothing against Comrade Lebedev and value the work he has done and is doing here in Moscow's courts. Nonetheless, it was the general opinion—we then discussed the matter again and consulted with comrades—that someone with more experience both of life and of the judiciary should be nominated for the Supreme Court. So you see, sometimes it is said that people are past pensionable age, sometimes that they are too young. Those are the dialectics. I think that Comrade Lebedev will understand that. Let him go on working, there is no question of a lack of confidence in him or of undervaluing his work. It is simply the general view that the Supreme Court should be headed by someone who is weightier in every respect—well prepared and with greater experience. The role of these organs of ours will grow immeasurably as we proceed toward a rule-of-law state, and, clearly, this approach is justified.

Here is Comrade Yevgeniy Alekseyevich Smolentsev. You know him. You even know him so well that the question has already arisen as to whether cadres from Sverdlovsk are beginning to dominate things. Such coincidences probably do happen.... Comrades, we have looked at all the cadres whom we have available. And in this respect we have another great need—to set up a constitutional committee. It will require very major judicial figures. We also have a commission or a committee on questions of legislation, and so forth. I won't give its precise name, but there, too, people will have to do a great deal of work within the framework of the Supreme Soviet in connection with the forthcoming volume of work that is veritably hanging over us, so to speak. It will require the mobilization of all forces in our corps of deputies—and to that end it will be necessary to set up and arrange these forces more correctly. But, naturally, both the Supreme Soviet and everyone else will rely on help from experts and involve them in their activity. There is no doubt about that. Now to turn to Comrade Yevgeniy Alekseyevich Smolentsev. He is currently chairman of the Russian Soviet Federated Socialist Republic [RSFSR] Supreme Court and has great experience. Furthermore, he is familiar with the activity of the USSR Supreme Court. You should note that he has worked there for several years. From 1972 through 1977 he was a member of the USSR Supreme Court and chairman of the USSR Supreme Court Judicial Collegium on Criminal Cases, and from 1977 through 1987 he was deputy chairman of the USSR Supreme Court.

Is Comrade Yevgeniy Alekseyevich Smolentsev here? Come on down. We'll surely discuss things with you. I have asked comrades from Russia and Sverdlovsk—everyone who has been connected with him—to give their opinions. This is apart from the fact that we have studied how Comrade Smolentsev has worked at the Supreme Court. The opinion expressed on all sides—from all points of view, so to speak—was positive, highly positive.

Yevgeniy Alekseyevich Smolentsev is before you. What questions do you have for him, comrades? Go ahead.

From the floor: Yevgeniy Alekseyevich, if there were an oath at the USSR Supreme Court, what would you say?

Ye.A. Smolentsev: I would say that I have prayed all my life and will continue to pray to one God—the strict observance of legality. I cannot say anything else.

I.N. Gryazin, chief of the Estonian Soviet Socialist Republic [SSR] Academy of Sciences Institute of Philosophy, Sociology, and Law, Estonian SSR, Tartu City (Pyarnu Rural National-Territorial Electoral Okrug, Estonian SSR): Highly esteemed colleagues! Forgive me, this is a legal question, but the post is such that we have to talk about legal matters. Yevgeniy Alekseyevich, as you know, the USSR Supreme Court plenum issues and has issued guiding resolutions interpreting, among other things, articles in the criminal and civil codes of the RSFSR, which is a union republic. This was a violation of the RSFSR's sovereign rights. Does the Supreme Court under your leadership intend to continue this practice, whereby the all-union court does the work of a union republic—the RSFSR?

Ye.A. Smolentsev: Comrades, however sophisticated we make our laws, life and practice raise lots of questions of all kinds, and one of the USSR Supreme Court's main duties is to give explanations on the numerous issues arising in judicial practice to ensure that new laws are applied properly.

The current Law on the USSR Supreme Court clearly states that the USSR Supreme Court gives explanations only on those laws which are all-union laws. As for republican laws, explanations as to the practice of their application should be provided by republican courts. But the point is that republican laws are based on all-union laws, on main guidelines, and on other all-union laws. So the Supreme Court is entitled to provide explanations in such cases, on this sort of law. But the Supreme Court plenum has no right to provide explanations on purely republican laws if there is no all-union law.

M.S. Gorbachev: I also understood it to be the case, Yevgeniy Alekseyevich, that we are moving down the road of expanding and supplementing the real sovereignty of republics. Perhaps a clearer definition is needed in this sphere, too?

Ye.A. Smolentsev: Quite so. I think that the functions of union republics' supreme courts will be considerably expanded. That is indisputable. And, naturally, the USSR Supreme Court should not interfere in all those laws that are issued in the union republics.

From the floor: Yevgeniy Alekseyevich, what is your attitude to trial by jury?

Ye.A. Smolentsev: Comrades, Mikhail Sergeyevich already said last time that we should take a look at trial by jury. I cannot agree with the viewpoint that it is necessary to introduce trial by jury. The point is that trial by jury was progressive when society was passing from feudalism to capitalism. At that time trial by jury was really progressive and that, naturally, gave it great importance. But let us take a look at today's practice. After all, practically all the capitalist countries where trial by jury exists, have essentially abandoned it: In America 0.5 percent of cases are tried by jury, in Britain around 4 percent, and in other countries even fewer. Not so long ago, France gave up trial by jury altogether, describing it as "street justice." I believe that our society will not agree to the introduction of trial by jury because, from my viewpoint, it would be a step back. I believe that our people's assessors have a wider range of powers in court proceedings than a jury. After all, a jury has no say in the court proceedings and essentially decides only one question: Guilty or not guilty? All the other questions are decided by the court. Our people's assessors, on the other hand, decide the whole range of questions, including the question of guilt and the measure of punishment, and they determine the nature of a particular crime.

So why has this question arisen? The problem is that in recent years the corps of people's assessors has not been made up of particularly good people. In my view it should consist of people who have a good experience of life and have learned from it, prestigious, and well-educated people. Why make a secret of it—sometimes we send people who can be most easily released from production to people's courts as people's assessors. If we staff courts with people's assessors who are real, well-educated, experienced citizens, the prestige of our courts will be considerably higher than it is at present.

This is my stance. I don't know, perhaps a decision to introduce trial by jury will be taken, as many scientists now favor this option.

K.V. Moteka, attorney at the No 1 Vilnius Legal Advice Office, Vilnius City (Varenskiy National-Territorial Electoral Okrug, Lithuanian SSR): I would like to ask how many acquittals have been passed in courts of the first instance presided over by you during the past 10 years?

Ye.A. Smolentsev: Comrades! Both the USSR Supreme Court and the republic' supreme courts are trying to deal with as few cases as possible. We seek to ensure that cases are dealt with at a local level by people's courts, especially oblast courts. There have been a number of acquittals in the cases dealt with by the Supreme Court of late, and there have been partial acquittals. Quite recently I was able to lodge protests against two sentences in North Osetia with a view to dismissing the cases. A major swindler who was brought to trial for embezzling large sums of money, around a million, out of fear of capital punishment, incriminated a number of senior officials—a minister and a deputy minister. When these cases came under investigation, it emerged that apart from his testimony there was no other evidence. He declared: "I am willing to go down on my knees and beg forgiveness of these people, I have slandered them." I was able to lodge protests in these cases. One case has already been dismissed by the prosecutor's office, the other is being reviewed. Personally, in connection with the transition to the Supreme Court, in connection with the great volume of work, I did not investigate any cases directly in the first instance, that is, I did not preside over any during the past year.

K.V. Moteka: I asked how many in 10 years.

Ye.A. Smolentsev: Well, there have been cases in the last 10 years, but I do not remember the acquittals, because we still take the kind of cases which are of great public interest. But if you take the RSFSR as a whole now, in the last year the number of acquittals has more than doubled and the number of cases submitted for further investigation has approximately doubled. The courts are making much tougher demands with regard to preliminary investigation material.

Yu.V. Golik, dean of the law department at Kemerovo State University, Kemerovo City (Tsentralnyy Territorial Electoral Okrug, Kemerovo Oblast, RSFSR): Yevgeniy Alekseyevich, the need for legal reform is much talked about at present. Could you please give us your theories on legal reform as you see it.

Ye.A. Smolentsev: Comrades! Evidently, 15-20 years ago, until the 27th congress, our courts were in a submissive position. Since Stalin's time, when the USSR Prosecutor's Office was created in 1933, it has been accepted, for example, that the public prosecutor will oversee the law courts in the carriage of justice. Very great importance has thereby been attached to preliminary investigation material and, in fact, it has been given primacy. Wherever the courts have demonstrated principle and consistency in strictly abiding by the law, these judges have usually been called liberals and often condemned for this in party respects as people who are impeding the fight against crime. From my own point of view, the most important thing now is for our Soviet court to play an appropriate role within a rule-of-law state and become the supreme body of social protection that it is intended to be under the constitution. In this respect, we must all, the whole of our society, do everything possible to ensure that the court of law is really independent, really has full rights, has the final say in all cases, and has the opportunity to assess preliminary investigation material. So that investigators cannot say that the court has taken the wrong decision. We have a potential medium for rectifying mistakes made by the courts: If someone does not agree with a decision, he should make the appropriate representation and appeal to the higher authorities, who have the right to appeal against a wrong decision. Consequently, the most important point in the implementation of legal reform is to raise the court of law to the level at which it should be. That is the most important point.

I also think that when carrying out legal reform, we should give very serious thought to our investigative apparatus. For several years now, our investigative apparatus has been in a state of limbo, and I must say with all frankness that the best, the very best cadres are now leaving the investigations departments, just as they are leaving the courts, because people do not feel they have any prospects. As far as I am concerned, neither the Prosecutor's Office nor the Internal Affairs Ministry (MVD) should have an investigative apparatus. We have discussed how one body cannot be responsible for supervision, investigative work, and also special supervision of this work. I think we will be making a big mistake if we concentrate the investigative apparatus in internal affairs bodies, and I also think that there is still a great danger here, a possibility that the operations service and investigative service will merge. This could lead to very sorry consequences. From my point of view, the opinion now being voiced—that an independent investigations committee should be set up, which would be responsible for these questions from top to bottom—is correct. This is the second problem. I do, of course, think we should strengthen prosecutor's office supervision by releasing it from its investigative responsibilities. These are the main problems we need to resolve in the context of legal reform. I am not going to touch on smaller issues, such as improving our legislation. A great deal is now being said on the question of whether we should retain the death penalty, how we should resolve questions concerning members of the legal profession, legal protection, and so forth—I do not think all is well here either. At present, the accused can only invite a counsel for the defense when the investigation has been completed. Surely this cannot be right? We must take action to ensure that anyone accused, any alleged offender has the right to a counsel for the defense at an earlier stage, at least from the point of his arrest, from the point when criminal charges are brought. I believe our legislation must develop in this direction; I feel that our justice and social fairness can only benefit from this. There are a whole series of other questions I will not go into here, as much can be said in detail about them.

From the floor: How do you feel about the establishment of a patents court?

Ye.A. Smolentsev: You know, comrades, some countries do have patents courts. I do not think there is any point in our considering this at present. We need to strengthen our civil court and the civil collegiums in oblast courts and supreme courts so that they consider these cases. But I think that with the development of our relations, and particularly with the establishment of joint enterprises and so forth, we cannot rule out the possibility that at some stage we will evidently have to come back to this question and set up a special patents court. We do not have this practice at present and I do not feel we need to decide this question now.

M.S. Gorbachev: Go ahead, comrade.

From the floor: (The deputy does not give his name). Yevgeniy Alekseyevich, you have talked about the strictest possible observance of legality, but I have a problem in this connection with regard to the concept. After all, the words "strictest possible" as applied to the law and legality have existed in our country since 1917, but there is still very little legality in our country and sometimes none at all. Perhaps we could drop the words "strictest possible"? If we have legality, then that is all there is to it. I have another question in this connection: What happens if you are faced with a law which positively sanctions lawlessness? For example, what will you do with the words "strictest possible legality" if faced with a law containing article 11 point 1?

Ye.A. Smolentsev: I see what you mean. I believe that the question of the validity and correctness of any law must be decided by you, esteemed people's deputies. A judge must abide by the law and not think about whether that law is correct or incorrect. But if such a question should arise, then the USSR Supreme Court and the republics' supreme courts have the right of legislative initiative

and, evidently, this right can sometimes be exercised. But I think that we must very strictly educate our judges so that they do not ponder over the question of whether a law is correct or incorrect. As long as a law exists, its word is sacred. Otherwise we will have anarchy and it will lead us into the situation we had here in 1937 and subsequent years.

V.Ya. Medikov, prorector of the Siberian Metallurgy Institute, Novokuznetsk City (Novokuznetskiy Territorial Electoral Okrug, Kemerovo Oblast, RSFSR): Yevgeniy Alekseyevich, tell us please about your attitude toward mass amnesties and the fact that people are being sent to do time in Siberia.

Ye.A. Smolentsev: For a long time I have advocated that we should not practice one-shot releases or mass amnesties. I advocate that the law is enforced and that sentences are firm. That someone who has been given 5 years should know that he will be serving his punishment through these 5 years. But now there are too many proposals associated with the need to pass harsher sentences. Some people, ignorant of the real situation, believe that we can solve the problem of the struggle against crime by means of harsher sentences. This opinion is incorrect. For too long a time we passed too many harsh sentences on people. And, comrades, many of you here know that until quite recently our places for deprivation of freedom were like, you know, a boiler full of steam. Periodically, a few times a year, we opened the release valve of this boiler in order to release people from these places. I believe that this is a clearly incorrect situation. It is a wrong situation, it is a harmful situation. My stance is that we must be very cautious, very thoughtful, and very sparing as regards punishment taking the form of deprivation of freedom. People who have committed for the first time a non-dangerous offense, and even more so an offense of negligence, have nothing to do with places for deprivation of freedom. They are not the perfect places where man can be reeducated, on the contrary, we often come up against a different situation. But at the same time I must emphasize that under no circumstances should there be any lenience toward persons who have committed serious crimes which are dangerous for society. And this is path now being followed by judicial practice. I can cite the following figures for the Russian Federation. Especially since 1982, when the legislature adopted a whole series of measures which the courts could apply in sentencing people to punishment not involving deprivation of freedom.

This might appear to be a liberalization of punishment. But now we have seen the results. Deprivation of freedom declined from 55 percent to 35 percent since 1972, and at the same time there were harsher measures of punishment involving, say, deprivation of freedom for between 3 and 15 years. Back in 1982 this accounted for, say, 35.5 percent, and the present figures stands at 45.5 percent. In other words, the courts have taken a position of cautiously punishing persons who have committed crimes of lesser importance for society, and harshly punishing persons who have committed serious crimes like murder, robbery, rape, and so on. I think that this is the only correct practice to be followed not only by the courts but also in our legislation.

M.S. Gorbachev: Please.

V.A. Karpochev, chairman of Volzhskiy Rayon's "Put Lenina" collective farm [kolkhoz] (Zvenigovskiy National-Territorial Electoral Okrug, Mari Autonomous Soviet Socialist Republic [ASSR]): The way I understood your answer, you are not an advocate of making our laws any harsher. Tell us then, what is the cause of the fact that the number of breaches of the law has increased and there is growing crime today? It seems to me that labor collectives and our society will be unable to cope with this unless the laws are made harsher. Many people speak of this today.

Ye.A. Smolentsev: Comrades! This year did indeed produce very bad and lamentable results. There has been a serious growth of grave crimes in our country. Crime in the country as a whole increased 3.8 percent. But the especially lamentable fact is that serious crimes increased: A 14-percent increase in premeditated murder, while others increased further still—by up to 23 percent. If we were to depict the dynamics of crime in linear form, the result would be a very irregular line. In some years it rises, in others it falls. If we were to look at the crime level for this year, it would not be the highest in all preceding years. But I must say that crime has sharply declined since the introduction of the measures adopted at local level in association with the need to combat drunkenness. There was a very sharp decline in the 2 years of 1985 and 1987. Moreover, while at present one in every three crimes in our country is committed in a state of intoxication, during the 2 years following the adoption of the decree and the implementation of serious measures at local level only 16, 20, or at most 25 percent of persons sentenced in our country had committed serious crimes.

Now we have a fresh boom as it were. People have learned to replace vodka with moonshine and—and this must be bluntly said—people are now distilling it even in places where there had not been even a whiff of moonshine earlier, like in the Far East or the cities for example. There are no regions where people have not learned to distill moonshine. And this naturally furthers the growth of crime.

Therefore, the problem facing our society now is to wage a most serious struggle against drunkenness and the dissoluteness associated with it.

There is another very serious problem. There are hundreds of thousands of people in our society who are doing nothing. Nowadays, one in every five or six of those who receive sentences is a parasite, in other words

someone who is not engaged in socially beneficial labor. There is a vast amount of work to be done here by the militia, by all our law enforcement organs, and by the public.

Juvenile crime is also a serious problem. You know that 1 in every 10 crimes today is committed by an adolescent. This may be more or less insignificant when compared with other countries, but the evil of it all is that almost one-third of these crimes are aggressive group crimes like rape, murder, robbery, hooliganism involving knife fights, and so on. This is why now, if we intend to take decisive measures in the struggle against crime, we must give attention primarily to juvenile crime and juvenile delinquency. We cannot resolve this problem by applying only the measures available to law enforcement organs. These are serious questions of upbringing, these are serious questions of employment, of amending our school education. I recall my own childhood: After lessons we got down to airplane model building and other study circles. Nowadays nobody does anything of the sort at schools.... In other words, this a major and multifaceted problem, and it must be tackled by our entire society. This is it, in brief.

M.S. Gorbachev: Comrade Medvedev, please.

R.A. Medvedev, writer (Voroshilovskiy Territorial Electoral Okrug, Moscow City): I have the following question: What is your attitude toward enhancing the Supreme Court's independence and totally eliminating what our press has dubbed "telephone law," and—maybe not now but in 5 or even 10 years' time, at the next stage of the new political system's operation—introducing the practice of electing the Supreme Court for life? So that a judge may leave it only by submitting his own resignation. And something else: How do you view the suggestion that Supreme Court members should resign from the party while in office?

Ye.A. Smolentsev: I have no objection concerning having judges for life. I think that we will evidently come to that. In actual fact, it is necessary to create conditions whereby someone—if he is properly doing his duty—should not think that a time might come when he may not be elected or he might be somehow influenced.

As for judges resigning from the party, I categorically object to this. I personally would never agree to work on the Supreme Court had I suddenly been told today: Resign from the party. Ours is a communist party, and I think that judges—provided we create the proper conditions for their work—will pursue an independent line. As a matter of fact, let me tell you frankly that now nobody exerts any pressure on the union's Supreme Court—and I have been working on it for 10 years. True enough, there have been attempts by individual officials, and some quite high-ranking ones at that. For example, Comrade Aliyev and the former first secretary of the Kirghiz Communist Party Central Committee made attempts to intervene in specific cases, but the party Central Committee drew their attention to the impermissibility of such interference in judicial affairs. In any case, I do not advocate that judges be nonparty people as an obligatory requirement, even though a certain percentage of them are, and there may even be more of them in the future.

M.S. Gorbachev: Please.

V.V. Khmura, chairman of Olginskiy Rural Soviet of People's Deputies Executive Committee, Olginskaya Village, Primorsko-Akhtarskiy Rayon (Timashevskiy Territorial Electoral Okrug, Krasnodar Kray): Yevgeniy Alekseyevich! I have two questions. First. It happens at times that a rayon court hears a case and a person is not satisfied. The case is heard by the kray court, the person is again dissatisfied, appeals to the RSFSR Court, and the latter remits the case again to the kray court. And you end up in a vicious circle. Do you consider this right? The second question. A kolkhoz chairman was sentenced for engaging "moonlighting" teams to do building work on the farm. He was given 5 years without the right to take positions of authority or work in positions of responsibility....

From the floor: And he was dismissed from leadership work....

V.V. Khmura: But the kolkhoz members, recognizing his merits, reelected him kolkhoz chairman. He even told them words like: Comrades, under me you'll be working 16 hours a day. I'll work your fingers to the bone. And the kolkhoz members, recognizing his merits, voted for him.... What do you think, can the court's decision be set aside at the kolkhoz members' request?

Ye.A. Smolentsev: On the first question. Some cases get as high as the republican supreme court and even the USSR Supreme Court. I think that this is a perfectly normal situation in a rule-of-law state. If someone fails to have his problem resolved elsewhere, he can go as high as the union Supreme Court. If a mistake has occurred, it must be corrected come what may.

And now about your specific question. If there is such a case, when a deserving chairman is respected so much that he has been elected chairman despite the existence of a court decision banning him from holding office, let us take a look at this case. You tell us which case this is, we will request and obtain it, we will look to see how justified it was to decide to ban him from holding leadership office.... But this is a specific case and I would not like to comment on it now.

M.S. Gorbachev: Please.

V.A. Nozdrya, leader of a team of fitters and installation workers at the "S. Ordzhonikidze Sevastopolskiy Morskoy Zavod" Production Association, Sevastopol City (Sevastopolskiy Territorial Electoral Okrug, Crimea Oblast): I know that in the United States and in other

countries there are judges sentencing criminals to a total of 100 and more years. Do you think that this practice is correct and should it be introduced in our country?

Ye.A. Smolentsev: Every state adopts the law that it thinks most correct. I would not like to criticize America for the fact that there are sentences there amounting to hundreds of years. I would not like to criticize America for the fact that they have people sentenced to death waiting for decades to be executed. I believe that there is no need for us to introduce this kind of indefinite imprisonment. You know that academics' sociological studies have shown that confinement in places of deprivation of liberty for up to 8 years alone plays a role in reeducating man, and then it ceases to play that role.

M.S. Gorbachev: Let us spend another 10 minutes on this and then bring this question to a close. Please, Deputy Medvedev. Let's have a brief question and a brief answer.

N.N. Medvedev, chief of a Kaunas Radio Gauge Institute sector (Kaunasskiy-Panyamunskiy National-Territorial Electoral Okrug, Lithuanian SSR): We are well aware that the best changes within the state are in effect those that stem from an improvement in morality. This was what Aleksandr Sergeyevich Pushkin said. That is why I was very disquieted by your statement that a judge must not think. Phenomena in life are analogous, while the law is discrete. It is trial by jury that ensures that this analogous form of the essence of life is taken into consideration. Herein lies the dialectical contradiction.

M.S. Gorbachev: Lawyers feel as if they are speaking from a judge's chair here.

N.N. Medvedev: That is why, in connection with your speech, I was particularly interested by the following question: What is your attitude to the death penalty?

M.S. Gorbachev: Be brief with your questions and answers.

Ye.A. Smolentsev: Our country now envisages the death penalty for 15 corpora delicti. It is enforced virtually only for murder under aggravating circumstances. While throughout this norm's existence it has never been enforced for such crimes as, say, counterfeiting and so on. It is not applied to women or for economic crimes. It is my firm conviction that the death penalty must be preserved for people who have committed serious murders involving rape, multiple killers, and so on.

P.A. Druz, pensioner, Belovo City, Kemerovo Oblast (From the All-Union Organization of Veterans of War and Labor): Yevgeniy Alekseyevich, what is your attitude to the death penalty? You have not answered the question. Moreover, what is your attitude to the fact that most convicts are even now sent to serve their term of imprisonment in Siberia?

Ye.A. Smolentsev: Comrades! I am not aware that most convicts used to be sent to Siberia. Comrade Bakatin knows this problem better than I. We have a system of places of deprivation of freedom and lawbreakers are sent there—the convicts' personal features are, of course, taken into consideration. There are no special-regime colonies in Moscow. Naturally, they are sent to Vladimir and Kalinin or somewhere else. But in principle, I believe that people are sent to those oblasts where there are the appropriate correctional establishments and not to Siberia. At one time there was a law whereby prostitutes and people without fixed abode were exiled to Siberia, but this law no longer exists and no one sends anyone to Siberia.

A.A. Likhanov, writer and chairman of the V.I. Lenin Soviet Children's Foundation, Moscow City (From the V.I. Lenin Sovie[illegible]ldren's Foundation): Yevgeniy Alekseyevich, what is your attitude toward family courts? Such courts exist, as you know, in many countries of the world.

M.S. Gorbachev: Be brief, there are only 7 minutes left.

A.A. Likhanov: How should we create family courts to stop the number of divorces.

Ye.A. Smolentsev: I do not believe that we need to set up any family courts. We need to ensure that our courts occupy the requisite position in society and are indeed an organ providing effective social protection. Then they will resolve all questions, including family questions.

M.S. Gorbachev: Please, your question. No, I have already promised, there are still 5 minutes left, comrades.

From the floor: In the last 3 and one-half years Uzbekistan's courts have pronounced more than 450 acquittals. This was mentioned last fall at the Uzbekistan SSR Supreme Soviet session. Tell us, please, Yevgeniy Alekseyevich, have any workers from law enforcement organs, particularly investigative organs, who have permitted violations that fall under the operation of the articles of the criminal code section on crimes against justice, been punished?

Ye.A. Smolentsev: I work in the Russian Soviet Federated Socialist Republic [RSFSR] and you are talking about Uzbekistan. Only the USSR minister of justice can answer your question.

M.S. Gorbachev: Good. Your question.

A.L. Pershin, excavator operator at Kungradskiy Rayon Production Repair Service Association, Kungrad City (Kungradskiy National-Territorial Electoral Okrug, Karakalpak Autonomous Soviet Socialist Republic): Yevgeniy Alekseyevich, have you made any mistakes in your official judicial activity and how have you rectified them?

Ye.A. Smolentsev: What, what?

A.I. Pershin: Have you made any mistakes in your official judicial activity and how have you rectified them?

Ye.A. Smolentsev: My mistakes personally? I do not recall any serious mistakes that would affect the sentences that I passed at the time and cause them to be repealed. In particular, no sentences where strict measures of punishment were enforced have been repealed. But it is not impossible that some of the sentences that I passed when working in the oblast, in the people's court may have been repealed. At any rate I do not recall any such sentences among my recent decisions.

From the floor: Yevgeniy Alekseyevich, do you think that some of the directives adopted by the USSR Supreme Court plenum exceed the constitutional powers of the Supreme Court, when the scope of the civil law's operation is restricted, say, on questions of residence permits—in particular the directives of 1987—or when picketing is equated with demonstration, thus giving a broad interpretation of a Supreme Court Presidium decree legislative act. Would it not be better in such cases to display legislative initiative? Would it not be more correct to act in this way when building a rule-of-law state?

M.S. Gorbachev: Keep your question brief.

Ye.A. Smolentsev: Comrades, first a word about the law involving strikes and so on. We hid the fact that we have had strikes, rallies, and other public manifestations for a very long time. People said: These things do not exist in our country, they cannot exist under socialism—that is why no law was adopted. Was this really a good thing? A law has now been adopted. It may be imperfect but in any civilized country there are laws which regulate this kind of public manifestation in order to safeguard society above all. I do not want to assess all these laws. I believe that this lofty deputies' forum will decide how far they are justified and legitimate. I confirm once again that the law is binding on a judge.

M.S. Gorbachev: Your question?

Ye.A. Gayer, scientific staffer at the USSR Academy of Sciences Far East Branch History, Archaeology, and Ethnography Institute, Vladivostok City (Dalnevostochnyy National-Territorial Electoral Okrug, RSFSR): Yevgeniy Alekseyevich, I want nonetheless to supplement the question asked by my comrade from Siberia. In Komsomolsk-na-Amure and the Far East you encounter convicts from the European part of the USSR, who are serving their term of imprisonment there and who then remain in our area after their release. Many voters ask that these comrades be sent back to the places where they were sentenced after their release. What is your view of that and how will this be resolved?

Ye.A. Smolentsev: I ask you to ask Comrade Bakatin this question when you approve him as minister. I am a judge and we only determine the nature of the colony. It is the minister of internal affairs who decides where to send a person.

M.S. Gorbachev: Last question.

D. Khudonazarov, first secretary of the Tajik SSR Cinematographers Union Board, Dushanbe City (Khorogskiy National-Territorial Electoral Okrug, Gorno-Badakhshan Autonomous Oblast): Yevgeniy Alekseyevich, did you take part in the work of our morning sitting?

Ye.A. Smolentsev: Morning sitting? Yes, of course, I did.

D. Khudonazarov: Then I would like to find out your opinion—as a professional and skilled jurist—of the actions of Kazakhstan's leaders.... As Gennadiy Vasilyevich mentioned.

Ye.A. Smolentsev: Gennadiy Vasilyevich?

D. Khudonazarov: Yes, when we were talking about money....

Ye.A. Smolentsev: You realize the point here. I understood him to be turning a blind eye. In principle, comrades, I consider this kind of action illegal. Nonetheless we should not force a person to hand over money. Then is he suddenly not guilty? The court must conduct an investigation. Is he or is he not guilty? I understood Gennadiy Vasilyevich to mean that since there were too many cases of people feathering their nest in all manner of ways in the republic, the following appeal was made: "Hand over what you have stolen!" And if a person voluntarily handed it over, let.... I do not think that we will be any the worse for this. But in principle, I believe that money can only be exacted from a person following a judicial ruling.

M.S. Gorbachev: Good. Sit down, thank you. Shall we open the debate?

Hall: No!

M.S. Gorbachev: No. I will put the question to the vote. Those in favor of electing Comrade Yevgeniy Alekseyevich Smolentsev as chairman of the USSR Supreme Court please raise your mandate cards. Lower them. Anyone against?

From the floor: Three.

M.S. Gorbachev: Lower your mandate cards. Any abstentions? (Votes are counted).

From the floor. Three against and seven abstentions.

M.S. Gorbachev: Comrade Yevgeniy Alekseyevich Smolentsev is elected chairman of the USSR Supreme Court. (Applause).

In connection with implementing decisions relating to economic reform, the role of economic law is, of course, increasing. As we say, we want to have a lawful economy; well, that is not quite accurate, simply a play on words.

In this connection, the role of arbitrage is growing in our economy. The candidature of Comrade Yuriy Gennadiyevich Matveyev for the post of chief state arbitrator of the USSR is being submitted for your examination; he is now working as the chief state arbitrator of the Ukrainian Republic.

Comrade Matveyev is here, I hope? Please come forward, Comrade Matveyev.

What kind of questions do you have for Comrade Matveyev? I hope that you have noticed—I will not cite the data; they are all at your disposal, comrades.

Matveyev: Please, comrades.

From the audience: You were appealed to with respect to violations of the Law on State Enterprises both as arbitrator for the Ukrainian SSR and for the city of Kiev. For which enterprises would you help decide in favor of the enterprise and not in favor of the agencies [vedomstv]?

Yu.G. Matveyev, chief state arbitrator of the Ukrainian SSR, city of Kiev (Kapushskiy Territorial Electoral District): I would answer that question in this manner. The fact of the matter is that actually, the Law on State Enterprises gives enterprises the right to appeal to the State Board of Arbitration in order to protect their interests before the agencies; of course, in a suit in which these agencies are not operating within the purview of their competence or if they are violating the law. Unfortunately, I must say that this norm does not, practically speaking, work. There are reasons for this, but to answer your question concretely, the Ukrainian State Board of Arbitration has examined only 30 such cases this year. I am convinced that, naturally, there was cause for many more such suits. In the Soviet Union, as I have been told, there were nearly 100 such suits. At present this norm is working very poorly.

Gorbachev: And in whose favor did you decide?

Matveyev: Naturally, we decided in favor of the enterprises; moreover, we were even glad that such suits appeared, and we were simply delighted to take them up. But there are really very few such suits.

Gorbachev: All right. Are there any other questions? Please.

V.A. Tetenov, first deputy chief, Perm Department, Sverdlovsk Railroad, from the city of Perm (Dzerzhinskiy Territorial Electoral District, RSFSR): What is your attitude toward the Law on Cooperation?

Gorbachev: What is Comrade Matveyev's attitude toward the Law on Cooperation?

Matveyev: In general, I take a very positive and respectful attitude toward any law. But as a jurist, I see serious shortcomings in certain laws; but that is my opinion, and I can express it before various audiences and at conferences. However, we apply the laws without any vacillation.

Gorbachev: All right. Please.

From the audience: I would like to clarify: Disputes concerning cooperatives are not subject to arbitration; rather, they should be referred to a judge. Thus the question is not asked properly. But tell me please, Yuriy Gennadiyevich, in the future will suits brought by enterprises against agencies on the question of goszakaz [state contracts for goods or services] be accepted for arbitration under your leadership? Thank you.

Matveyev: First of all I must say that you are somewhat mistaken when you say that cooperatives do not fall under our jurisdiction, under the jurisdiction of the State Board of Arbitration [Gosarbitrazh]. That is under our jurisdiction.

With respect to goszakaz: You are aware that the State Board on Arbitration has issued an appropriate explanation with respect to the fact that disputes connected with state contracts for goods or services do not fall under the jurisdiction of the State Board of Arbitration.

I myself believe that such an explanation is incorrect. But since there is an explanation, for now we—and I have in mind, in the Ukraine—have accepted this explanation both for guidance and for action. But once again, I reiterate that I think that this position by Gosarbitrazh is incorrect; I have repeatedly expressed my opinion on this regard, and specifically, twice at meetings of the collegium of Gosarbitrazh USSR.

Gorbachev: Another question? Please.

A.A. Sobchak: Yuriy Gennadiyevich, in connection with your answer with respect to the possibility of lodging a complaint against goszakaz for arbitration: Do you believe that an enterprise can today, in accordance with Article 9 of the Law on the State Enterprise, lodge a complaint against state contracts on questions of incompatibility, or exceeding the production capabilities of an enterprise, or for failure of goszakaz to furnish material-technical supplies, or for violating ecological legislation; or under other circumstances when goszakaz is in conflict with existing legislation? And how will you operate in the capacity of chief state arbitrator?

Matveyev: I would answer that question in this manner. I believe that examination of disputes about goszakaz falls under the jurisdiction of the State Board of Arbitration in those cases when state contracts are issued in violation of jurisdiction and in violation of the laws; thus, there are two such grounds. But in reality what is violation of jurisdication—that can be interpreted rather widely. And you see, it is the art of arbitration to determine whether there is a violation here or not. And your example with respect to the ecological situation. Yes, I believe that if a state contract is given in violation of the ecological situation, it seems to me that the State Board of Arbitration is obliged to examine this question, and decide in essence, because the Law on the State Enterprise obligates the collectives to concern themselves with preserving the environment and so on and so forth. This is also the law for the activity of every state enterprise.

Gorbachev: Please.

Yu.K. Sharipov, general director of the S.M. Kirov Ufa Production Association, in the city of Ufa (Ufinskiy National-Territorial Electoral District, Bashkir ASSR): I have two questions for you. First, from your biography it is apparent that you have worked as a state arbitrator at the Kiev Oblast State Arbitration Board only from 1962-1964—a very short time. But there you were also an instructor, you have been abroad, and then since 1987 have been chief state arbitrator. Do you have sufficient experience for such a large and serious job? I have in mind—the practical work. That is the first question; the second: Which departmental changes or additions to the Law on the State Enterprise do you dislike the most?

Matveyev: I did not understand the second question.

Sharipov: There have been a lot of additions: State Planning Committee [Gosplan], State Committee for Material and Technical Supply [Gossnab] and Gosarbitrazh have issued them.... What do you dislike the most about these additions and changes?

Matveyev: I understand. On the first question, it is a difficult question for me in the sense that I know full well that there is a more deserving candidature than my own, with more weighty experience, and specifically in state work of the same rank and responsibility. Thus there is no doubt here; but that, you see, is your responsibility. And here with respect to the normative acts of a departmental nature which have frustrated the Law on the State Enterprise the most: I would attribute to that category the acts which were adopted, unfortunately, by the USSR Council of Ministers. These decrees limit the rights of the enterprises which are granted to them by law. To be specific, I can cite a concrete example—the question of concluding economic agreements. Here the Law on the State Enterprise treats with the freedom, in principle, to conclude economic agreements, except in two cases; and here the Council of Ministers adopts corresponding normative acts and expands this list of mandatory conditions for concluding an agreement and, naturally, narrows the sphere of jurisdiction of Gossnab. I believe that this is a most dangerous normative act of a departmental nature.

From the audience: Yuriy Gennadiyevich, I will vote for you.

Matveyev: Thank you.

Gorbachev: Please.

V.Ya. Medikov, vice-chancellor, Siberian Metallurgical Institute, city of Novokuznetsk (Novokuznetsky Territorial Electoral District): Yuriy Gennadiyevich, tell us please the subject of your doctoral dissertation. After all, you are a jurist, but right now, with the development of economic accountability relationships, economic knowledge will be necessary. How are you on this matter?

Matveyev: The subject of my doctoral dissertation was, "International Protection of Authors' Rights." As you know, I worked for many years at UNESCO in the legal advisor's office, and was occupied objectively and concretely in that capacity. And so, all this came together in my doctoral dissertation.

The second question: Unfortunately, I do not have very much actual economic knowledge; it is a back-up, and that's what I think—but economic knowledge is necessary for a state arbitrator of any rank, whether the USSR state arbitrator, or the state arbitrator of an oblast or a city....

Medikov: Kuzbass and the miners are always suffering because of the railroad. Just how could arbitration solve this problem?

Matveyev: Unfortunately, at this time the State Board of Arbitration cannot give you very effective assistance in your relationships, in your disputes with the railroad. You know that our legal regulation of transportation is in an abnormal situation—clearly it is an abnormal situation, when the shippers are in a privileged position, in a greatly-privileged position, when the shipper enjoys such a benefit as the principle of limited material liability and so on and so forth, process limitations and so on. But once again, this depends upon our Supreme Soviet, in order that our transport legislation be changed. And not only the railroad, but the entire complex: motor freight, aviation, water transport and so on.

Gorbachev: Please.

V.I. Lisitskiy, deputy director for production economy at the production association of the Black Sea Ship-Building Plant, from the city of Nikolayev (Zavodskiy Territorial Electoral District, Ukrainian SSR): Yuriy Gennadiyevich, what do you think? After transition to full economic accountability, which will probably take place anyway in coming years, is it expedient to retain

state arbitration? After all, today, as a rule, ministerial arbitration defends the positions of ministries even when it might be not entirely legal.

Matveyev: I believe that even now, that departmental arbitration, that is not the matter. It must be abolished.

Lisitskiy: Thank you very much. I will vote for you.

Gorbachev: Thank you. Please take your seats. Shall we decide the question? Whoever is for appointing Comrade Matveyev as chief state arbitrator of the USSR, I ask you to hold up your documents. Please put them down. Opposed? No. There is?

From the audience: One.

Gorbachev: Who has abstained?

From the Audience: One opposed, one abstention.

Gorbachev: One against, one abstention. The question is decided. Comrade Yuriy Gennadiyevich Matveyev is appointed chief state arbitrator of the USSR. (Applause).

And now on the general prosecutor of the USSR. We have recently had a change of general prosecutor of the USSR. I think it has been about 6 or 8 months, about that. Comrade Aleksandr Yakovlevich Sukharov has been recommended for this post. Prior to this he has been first deputy and before that, minister of justice of the Russian Federation.

We have taken counsel on this question and I have consulted with many of the comrades, and I offer for your examination the proposal to appoint Comrade Aleksandr Yakovlevich Sukharev general prosecutor of the USSR.

Is Comrade Sukharev here? Please, come forward. The moreso, that I especially cut you off at the end of our meeting, inasmuch as right as we were having our debate a situation arose, upon which we should probably clarify the entire question. I did this consciously. And now I see at the microphones, the forces are concentrating, so to speak (Animation in the hall). Will a half-hour be enough?

From the audience: It is enough.

Gorbachev: Let's do it like this, comrades: Questions for a half-hour, and for discussion, also a half-hour. During this hour we can vary things. If, comrades, it becomes necessary, we will not permit any kind of superficiality in these matters. All right, ask your questions.

N.D. Tutov, Komsomol committee secretary of a military unit in the city of Orenburg (Orenburg Rural Territorial Electoral District, RSFSR): Aleksandr Yakovlevich, my question will be a bit weighty, but to the point.

Gorbachev: A request to those asking questions and to the respondents: Make them a little shorter.

Tutov: We are always discussing the question of what is paramount and what is secondary. I am asking about a case which now has the entire nation upset; the matter of Gdlyan and Ivanov. You see, first there was Comrade Gdlyan's statement at the 19th party conference on the fact that our highest political organ has been impeding this case. Then there was an open statement in which a specific person was accused, and after that the case was opened against Gdlyan and Ivanov. The question I want to ask you is, why was the first statement by Gdlyan and Ivanov not taken up for examination, and the second accusation taken, which was presented to them in violation of the law while the investigation was going on?

Sukharev: Comrades, inasmuch as I have been placed under rather strict regulation, as I understand it, and there will be many questions, I shall try to answer briefly as best I can the questions which you ask me, and in particular, this question.

I would like to say right away that the case on bribe-taking in Uzbekistan is a peculiar phenomenon. It contains a great truth about corruption and, unfortunately, as it became clear later, lies as well; moreover, I would say a dangerous lie. Why are such transformations taking place with this case? I'll tell you right out. It has been going on for 6 years. A great deal has been done by the investigative unit and the investigative group—including when this group was headed by Gdlyan and Ivanov. But at the same time, a great deal that this investigative group has done was not monitored, and from the point of view of the directorate of public prosecutions—was not supervised. And this gave rise to a very serious violation of legality. There were many signals, which were not given any significance. And only once, in 1986, did the prosecutor supervising one of the cases call the attention of the general prosecutor to a violation, to pressure on the court on the part of Gdlyan and Ivanov. Afterward, the union prosecutor and the collegium, after discussing the question, gave these comrades disciplinary punishment—a reprimand, and a strict reprimand, too. But, unfortunately, the proper conclusions were not made from this. The case was dragged out, although it could have been completed much earlier. We are now convinced of this. The proper organization was not there, nor was there once again the proper supervision; therefore, comrades, we must now tell the truth before it is too late. It is an important case, a necessary case, and we must take it to the end; because there are bribes, there is malfeasance in office if you wish—there are genuine mafioso groups, which we must expose and subject to a genuine legal inquiry. But all this must be done with clean hands, on the basis of law. We are now dealing with it. I am getting notes alleging that a criminal case has been instituted against Gdlyan and Ivanov. Not so. A case has now been instituted on violation of the laws in the course of the inquest and

inquiry into this case; because there are a great many signals and—I must say with regret, as General Prosecutor—signals which are finding confirmation.

Tutov: You have answered part of the question; nevertheless, the USSR prosecutor did not pay attention to the first assertion. First there was Gdlyan's statement at the conference, and after that statement came the persecution of Gdlyan and Ivanov.

Sukharev: No, I want to tell you that Comrade Gdlyan and Comrade Ivanov, when they sent their article, "Protivostoyanie" [Confrontation], to OGONEK, already knew from the general prosecutor that, with respect to those people whom they named (and certain of them were actually delegates at the conference) would in the near future have criminal cases instituted against them. And that is what happened. Therefore, to say that someone had set up a roadblock.... I was general prosecutor for less than a year, and now it has been a year already; and I want to categorically declare that no one had ever set up any kind of roadblocks not on the part of the Supreme Soviet, nor the Supreme Soviet Presidium, nor the Central Committee. That is untrue.

N.P. Belous, a gas-electric welder at the 50th Anniversary of the USSR Strezhevoyneft Administration, in the city of Strezhevoy, Tomsk Oblast (Kolpashevskiy Territorial Electoral District, RSFSR): Please comment on this situation. Last year, after visiting the Party Control Committee in Moscow, I sent copies of documentation on a court case which caused a stir among us. After a while I received an answer from the oblast procuracy stating that I would receive an answer from the city procuracy. Thus a situation came to pass that one often encounters in our life—the answer came from the level at which the complaint was lodged. More accurately, I received the answer at an expanded session of the party gorkom bureau, which had discussed my candidature from the CPSU to the country's people's deputies. They literally flogged me with these documents and accused me of the fact that it was the fault of such as I that the lawlessness of 1937 occurred. After a certain amount of time I nevertheless received an answer from the city procuracy which stated that the facts given to me at the nation's Party Control Committee were partially confirmed. I had no opportunity to learn of other facts. And the second question: I am apparently the only one of the deputies who has received a summons to court along with his deputy's mandate. Please explain, how am I to be today?

Sukharov: I would like to reply to your first question. I am categorically opposed to having those against whom a complaint was lodged provide the response. This is forbidden by law. I do not know the specific case which you cite, in which the Party Control Commission sent the complaint or the documents to the oblast procuracy and then the case was received at the city procuracy. I promise that I will delve into this entire matter, and will give you an answer personally.

Belous: Pardon me please, I was not asking only for myself, because the question has upset a great many people in our Tomsk Oblast.

Sukharev: Here is my position on this question: We actually do have numerous instances of such a bureaucratic merry-go-round, wherein it is very difficult to get an answer from those organizations and from those responsible officials to whom complaints have been addressed. This is actually the case. We should not have such a situation; however, this is very difficult. I want to tell you, that right now, every day, the union procuracy receives 2,000 complaints, addressed to the general prosecutor; including, I am certain, one-fourth of the deputy's inquiries, that are now at the general procuracy. It is complicated, but we must make this mechanism work. I consider this to be an aberration. And once again I say that this is a question of principle. But I must occupy myself specifically with the case of which you are speaking. And as far as the case is concerned in which along with your deputy's mandate you receive a summons to court, I am finding it difficult to say what it is we are talking about. If it is a question of your testimony, and giving evidence, that is one thing. But if it is a question of you—and concerns you personally—I think that we have to delve into this; something is not right. You know that we have a law, and it is in effect today: A deputy possesses immunity and personal inviolability. The consent of the Supreme Soviet is required in order that someone—either the prosecutor or the court—has the right....

Gorbachev: Please, ask your question.

N.N. Pribylova, department chief and professor at the Kursk Medical Institute (From the Women's Soviets, united with the Committee of Soviet Women): Aleksandr Yakovlevich, in order to prevent the numerous accidents in transportation, at atomic power plants and so on, do you not think that the laws must be re-examined for the purpose of increasing legal and professional liability; and what sort of measures should be taken?

Sukharev: I believe that on the whole, and not only in transportation but in the national economy as well, unquestionably there must be norms of liability, and liability must be increased. And we must take stock of these norms; they are in disarray. And when we say that we must act on the basis of existing law, I am not fully in agreement with this. We must extend the juridical levers, because there is a great deal of disorder and laxity. But of course, we must execute those laws which already exist, and apply them strictly. I believe that there are problems and questions here.

Gorbachev: Please. Your question.

M.I. Chimpoy, writer, secretary of the board, Moldavian SSR Writer's Union, city of Kishinev (Kishinevskiy-Dnestrovskiy National-Territorial Electoral District,

Moldavian SSR): We in Moldavia have the highest crime rate in the country. During the time of stagnation monstrous violations of legality occurred, but the republic's chief prosecutor, Comrade Demidenko occupies his time with charicatures and analysis of literary works of writers and journalists. He could switch to literary work. But here is my question. How will you implement control over the activity of the republic chief prosecutors, and how do you feel about the fact that these prosecutors are appointed by the republics and not by the center?

[Sukharev] As far as Comrade Demidenko is concerned, I get the message. We had not yet received the information that he occupies himself only with literary activities. We considered him an experienced prosecutor, but apparently he is not without his shortcomings. But nevertheless, I was listening to you very carefully, and I will draw my own conclusions. And as concerns your question on the essence of appointing and control over the activity of republic prosecutors, right now I am proceeding from two principal positions: The first, Lenin's thesis on centralization of the department of public prosecutors for the entire republic, which at that time was Russia; that was his well-known letter about dual subordination of legality of 13 May 1922; and, from the position of our present constitution on the fact that the directorate of public prosecutions in our country is a centralized system. But I must say that even here the past—and this most stagnant stage in the life of our society—has had an effect on the directorate of public prosecution on the plane of distortion. The republic prosecutors must have greater freedom and opportunities to cooperate and work together with the parliaments and the supreme soviets, and defend if you will, both economic accountability and sovereignty, and all other questions connected with republic constitutional questions.

V.S. Podziruk, Lieutenant Colonel, senior instructor and navigation researcher of Military Unit 06976, city of Ivanovo (Ivanovskiy National-Territorial Electoral District, RSFSR): Two questions, Aleksandr Yakovlevich. The first: Do you not consider it an abnormal situation, that there are practically no court cases for persecution for criticism? And the second question: Do you not believe that a large group of recidivist criminals has appeared among us, which are in general a menace to society; for as soon as they are set at liberty, they entice or enlist two or three other persons to new crimes? And does it make sense to increase the terms (in arithmetic or geometrical progression) for keeping them in places of confinement? And does it make sense for the organs of justice to keep these comrades, perhaps because of the actions, in places of confinement, for they have a lot of energy?

Sukharev: Yes, I believe that our Law on Criminal Persecution for Criticism is to a significant extent a dead law. And we, as jurists, must frankly declare that there is something not right here. Do you understand what the matter is? Either it was established this way from the first, or actually we have not yet come to a hypothesis of life at which we can employ this juridical mechanism according to the rules. Because there are instances of suppression of criticism, but very few court cases: I can tell you that there are only a couple dozen cases for the entire country. This of course is very few. Therefore it is a proper question. We must take up this question together with the Supreme Court and the Ministry of Justice. Perhaps we must even modernize this law. I allow for such a possibility.

As far as recidivism is concerned, comrades, this is an enormous problem. The recidivist crime rate is 37 percent, and we have had a very serious increase in it. And when we say that we have set out on a course of humanization of criminal policy, of course we are talking about the general policy. And I, honestly, am not in full agreement with my colleagues, when we say that here we are doing everything right and we don't need to do anything; or else we will go too far. As far as the recidivist is concerned, the dangerous criminals, I believe that we must extend the juridical levers. This is a serious problem and the people are asking these questions. As far as the colonies are concerned, I do not know how we can maintain them. I believe that this is not a proper proposal. The state must take up the concern that there be order in the colonies; in order that the entire complex of educational components obtains, for the purpose of reeducating people. I do not think that these people will be our mainstay, that we should utilize them. We must reeducate them and create the proper regime of reeducation for these people, these tough people.

E.V. Bichkauskas, investigator on especially important cases, Lithuanian SSR Procuracy, of Vilnius (Shilutskiy National-Territorial Electoral District, Lithuanian SSR): Aleksandr Yakovlevich, in February of this year, in spite of the dissatisfaction with the decision of the majority of the population of Lithuania and in spite of the telegram signed by nearly 70 percent of the operational workers of the Lithuanian SSR Procuracy, Lithuanian SSR Prosecutor Sabutis was removed from his post by your order. At the same time, just as in the "good old days," in quotes of course, the order did not even indicate why and for what reason he was sacked. It is true that at the last session of the Lithuanian SSR Supreme Soviet Sabutis was elected secretary of the Supreme Soviet Presidium. But that is not the main thing. I would like to receive an answer to the following questions: For what wrongdoing was Sabutis removed from the position he held? Was his dismissal not connected with those democratic processes which are currently going on in Lithuania; with the fact that Sabutis showed himself to be a supporter of restructuring and deepening democracy, to include the organs of the procuracy as well? Do you not think that by taking this step you were not supporting restructuring, but the other way around? And the second question, we have as of the present time not yet received an answer to the telegram regarding Sabutis' dismissal, which as I just said was signed by an absolute majority of

the operational workers of the republic procuracy. Do you not think that you have thereby shown disrespect to the workers of the procuracy? Is this your position or simply an oversight? Thank you for your answer.

Sukharev: Thank you. I will answer your question with respect to Comrade Sabutis. In spite of the fact that Comrade Sabutis had quite extensive work experience as a whole, as a former general prosecutor I did not have to have a solid encounter with his work or analyze it. But over an extended period of time there had been very serious reprimands on the plane of the state of affairs with the crime situation and surveillance over observance of the laws. Even before this Comrade Sabutis had been judged at the USSR Procuracy. This was the opinion of not only our colleagues; it was the opinion of the gathering of all the prosecutors in the republic. We publicly examined this question, and it was the main one. But I must say that during the period of violations of public order, and such instances did occur, Comrade Sabutis also did not display his adherence to principle. Thus, his dismissal was in no way associated with the democratic process, because we at the procuracy also proceed from the position of democratizing the procuracy itself. And we are doing this. This concerns not only Comrade Sabutis. In recent times, say over the last year or year-and-a-half, 25-30 prosecutors have been replaced at the oblast or republic level. This is a natural process. Comrade Sabutis has been at my place; we spoke with him, and he submitted a statement. And that is my answer to your first question. As far as the reply to the telegram, to your appeal, is concerned, I remember that there was such a telegram. I sent my deputy, who was taking part in the work of the collegium, to Lithuania. As he told me, they gathered the entire staff of the republic procuracy and explained the essence of the decision, and why it was made. And Comrade Sabutis understood us. That is how we came to an agreement, and there were no problems at all.

Gorbachev: Comrade Ryzhov, please.

Yu.A. Ryzhov, rector, S. Ordzhonikidze Moscow Aviation Institute (Leningradskiy Territorial Electoral District, city of Moscow): Thank you. Aleksandr Yakovlevich! Now in the light of today's higher demands for professionalism, for work experience and so on, questions naturally arose today with respect to the candidate for the position of arbitrator, a man who had worked as an arbitrator 4 or 5 years in all. And we unanimously accepted a judge who had 41 years of work experience in judicial work, starting at the very bottom. Do you think your work experience of one year at the procuracy, in prosecutorial work, is sufficient for you to occupy the position now being offered to you?

Sukharev: You see, I have been working as USSR general prosecutor for a year and three months total. Of course that is not enough, whatever you say; you understand. I can only hope that over the period of 19 years in which I was at posts, so to speak, associated with direct juridcal work, that this also provides something. This is serious, responsible, and multi-faceted work. But what of it; whatever you decide, that's the way it will be.

Gorbachev: Please.

A.A. Sobchak, chief, juridical department, Leningrad State University (Vasile-Ostrovskiy Territorial Electoral District, Leningrad): On 20 May of this year PRAVDA published the conclusions of a commission of the USSR Supreme Soviet Presidium on the case of Gdlyan, which you also signed as a member of the commission. I have two questions for you with regard to the text of this document.

First. I read from the text of this document: "According to materials of the USSR KGB, Gdlyan, Ivanov and investigators close to them frequently allowed arrested people to get hurt." The text further states, it turns out, that the procuracy was under surveillance by the Committee on State Security, and not the other way around, as it follows from existing legislation.

And the second; the conclusion closes with the following: "In connection with this we would think it is necessary to authorize the USSR Procuracy to organize a careful inspection of all factors." As the general prosecutor you signed the authorization yourself. How can you explain this?

Sukharev: I, as the general prosecutor, was indeed a member of the commission formed by the USSR Supreme Soviet Presidium, since the USSR Procuracy is the accountable organ and is formed by this organ.

I will answer your question concerning the conclusions which pertain to the Committee on State Security. Comrades, we are talking about the fact that in the investigatory group, and it was a large investigative group, in the given instance on the case on bribe-taking in Uzbekistan, there was also a large group of investigators from the Committee on State Security and investigators from the military procuracy which, as you know, is a part of the union procuracy. The investigators encountered all kinds of violations and, of course, they were thoroughly analyzed. Incidentally, the investigators of the procuracy also know about this, and you have read about it in the press. Therefore there is nothing of the sort here, and no conclusions are being made there; only that the question stands on the fact that one must pay attention to these signals and check them out. The committee in the given situation and the investigators had that right. That is the first question.

The second question, that I as a member of the commission signed the conclusion and allegedly gave the authorization by myself. These were the conclusions of the entire commissions, and in the given case—I am a member of the commission. Yes, I am the general prosecutor, and I execute higher surveillance in the country over observance of the laws. It might bave been

possible in this part to somehow formulate things differently, I agree. But after all, you understand, the essential things would not change from that. In the final analysis the general prosecutor must determine the degree of violation of the law and give a legal opinion on it, and report to the presidium and to the commission which wou have not established here. I would answer in this way. Of course, we must also be very careful in questions of this type. Thank you.

Gorbachev: Your question, and then Comrade Sukhov.

From the audience: (Inaudible).

Sukharev: I must tell you that since the congress has been in operation I have personally received about 50 people. As a minimum, I personally responded to 50-60 deputies, on what measures had been taken on their inquiries. You may appeal to me during the course of the work of the congress. I work from 0930 every day, and I leave, I'm telling you the truth, at midnight and 0100. You may at any time, but you may right after the congress.

Gorbachev: Comrade Sukhov.

L.I. Sukhov, a vehicle operator at Kharkov Motor Transport Enterprise No 16301 (Kharkovskiy-Leninskiy Territorial Electoral District, Kharkov Oblast, Ukrainian SSR): In my practical work I often encounter officials from the procuracy and I have certain complaints. My son died and my mother-in-law died, and they, my son and mother-in-law were written off like trash. I, too, have clashed with officials of the militia and procuracy while trying to get some gas. And the question inevitably arises, what sort of measures do you envisage in order to preclude repeatedly forwarding complaints to those of whom you are complaining; and has someone from the procuracy been punished for examining letters, complaints, and statements in a bureaucratic manner? That is one question.

My second question is this: Will you not raise the question, so that there will be a law on cover-ups, because it is all the same to us what motives a person followed if he covered up for a criminal; so that he would be judged for covering up no less severely than for the crime itself? Then the first step will not be taken to commit the crime. What is your position?

Sukharov: I will answer your first question. You formulated it on the basis of an instance which happened to you. I think that we will not be able to avoid, comrade, passing a new law on examination of complaints, statements, and letters from citizens. This law was passed in 1968, and amendments have been added to it twice. I believe that a great deal of time has passed, in order to take a look at these laws with new eyes now under conditions of the democratic process.

We have turned our society into a society of petition-bearers and suppliants. Who would think that could happen! We could create 10 procuracies and it would still be no use. The proper responsibility is lacking at all levels, I tell you frankly; and there are no responsibilities in the agencies; even in the press there isn't any responsibility. A new law is needed in order to put things in order.

And the second question, concerning concealment. You know that there is such a law. For concealment, when it is a question of severe crimes, there is liability; but perhaps we should think about this. And we must also think about this question.

From the audience: Not concealment [ukryvatelstvo], but covering-up [pokryvatelstvo]; he is not concealing, but covering-up.

Sukharev: You know, we now have the capability, and our juridical measures extend to them; but perhaps we need to think about what you are talking about here.

Gorbachev: Your question.

From the audience: I have two questions on one and the same matter. If I may, please, the first question: When will the court cases begun on Sumgait be concluded? And the second: When will the investigation on the Sumgait case be completed. And have all the guilty parties already been found? Thank you.

Sukharev: On Sumgait. I want to say that all the cases on Sumgait have been completed. Three weeks ago the last case was brought to court, on 94 people altogether. And so it is now a matter for the court. Part of the cases have already passed through the court. Although this is not my bailiwick, I, too, in the capacity of public prosecutor, also have an interest in these cases. But this is a matter for the Ministry of Justice and a matter for the Supreme Court. And I believe that we will prevail, through our combined efforts.

From the audience: That is enough, enough.

Gorbachev: We will offer the comrades the opportunity to ask one question apiece.

From the audience: Aleksandr Yakovlevich, as court materials have indicated, quite often the confessions which the investigators need are extracted at the hands of especially dangerous career criminals. During the period of the expose fever which raged in Uzbekistan, dozens of criminal cases were falsified with the knowledge and consent of the republic's deputy prosecutor Gaydanov, who was recently transferred to Kazakhstan where he has been appointed to the post of Tselinograd Oblast prosecutor. He was switched from one easy chair to another and he got away scot free from the tyranny he created. One might ask, why, at this time, when we speak

about the supremacy of the law, the law has no effect on such responsible officials as Gaydanov? What is your opinion? Will he not repeat his excesses in his new role?

Sukharev: I received the first signal of this sort on Comrade Gaydanov here, at the Congress of People's Deputies. I immediately issued an order to delve into it and report to me, and in the next few days I will be making a final decision and will give you an answer. I must delve into this entire matter.

N.A. Kostishin, an assembler-fitter at the Pribor Plant, city of Bendera (Benderskiy National-Territorial Electoral District, Moldavian SSR): Aleksandr Yakovlevich! What is your attitude to the suggestion that for petty crime committed for the first time (for which restriction of freedom for 1 to 3 years is appointed), a monetary fine of R1,000 to R3,000, respectively, be imposed instead—which would make it possible that the offense not be repeated?

Sukharev: I favor actively conducting a humane criminal policy, including less dependence upon administrative bludgeoning; which except for complicating the social problem, in the form of recidivism, has not provided a thing. This does not apply to those who commit dangerous crimes. I am in favor of the approach of which you speak.

From the audience: Aleksandr Yakovlevich, you know very well that the position of the procuracy in our political and legal system is a very unenviable one, in the opinion of jurists. Contrary to the constitution, the law on the procuracy in particular has subordinated the procuracy even to the Council of Ministers. And the procuracy is in a certain sense subordinate to the Council of Ministers. What do you perceive as the basic, the most principled features of the restructuring program with respect to the activities of the union procuracy and the local procuracies from the point of view of ensuring their constitutional status?

Sukharev: Comrades, that is very much a matter of principle, and a very large question. Perhaps the most important one, as before you stands a candidate for general prosecutor. I believe that after Lenin, very serious distortions took place in the activity of the procuracy of a conceptual order. The procuracy was programmed and directed toward criminal-law questions, and toward coercion. And we must cast light upon and single out the potential for legality for constructive purposes in our society. What sort of a procuracy is it, which has over the course of decades occupied itself basically with criminal cases? The social sphere has gone completely out of control and is not supported legally. In 6 months we sold 1,300,000 defective television sets. In order to get this television set back, from one to five repairs are necessary, and it is other people who should be experiencing these troubles. We have no oversight at all; we do not even have a legislative base there. I've cited only a single example, and how do social questions in general stand in our country right now? Very acute environmental-protection questions have arisen. We have 60 million people who are being fined and punished under administrative procedure. And this is a big question of policy. There is no oversight at all! And finally, you understand, there is the economic reform itself. In this reform we are taking up only one question—production democracy. And you see, to put it bluntly, the reform and economic accountability have not yet hit the target....

Gorbachev: Aleksandr Yakovlevich, my desire to answer briefly applies to you, too.

Sukharev: Thank you. Comrades, I want to say that we are reexamining the very conception of prosecutorial oversight.

Gorbachev: Comrades, shall we cut off the questions? Good.

From the audience: But may one make an inquiry [spravka]?

Gorbachev: Well, an inquiry—that's another question. We are cutting off the questions. What, does Comrade Yarin want to speak? All right. Please sit down.

From the audience: Aleksandr Yakovlevich, as a result of the interethnic clashes in Armenia and Azerbaijan, since February of last year 57 Azerbaijanis, 36 Armenians, and three people of other nationalities have died. I ask you to report, how is the investigation proceeding on these crimes?

Sukharev: On the whole all the murder cases and those on especially severe crimes and maimings are being brought to a conclusion. Certain cases, as you know, have already been brought to court. We are acting very energetically on these questions. They are very important.

A.I. Khomyakov, chairman of the Rodina Kolkhoz in Kochevskiy Rayon of Komi-Permyatskiy Autonomous Okrug, Perm Oblast (Komi-Permyatskiy National-Territorial Electoral District, RSFSR): Aleksandr Yakovlevich, how do you explain a situation in which the oblast procuracy assigns a task to the rayon procuracy, that in a certain time they must declare and open a certain number of civil suits for careless neglect of production against supervisors and specialists in the rayon?

Gorbachev: It seems that there are such state contracts [goszakazy].

Sukharev: The question is clear, and no response is needed. This is simply absurd. We are dealing with it.

From the audience: (Inaudible).

Gorbachev: Certain comrades, as I understand it, want to say something. No, comrades. Let us decide how we shall operate. We can give 1 or 2 minutes each to those who especially want to speak. Let us put the question to a vote. I want to find an acceptable solution. Perhaps, comrades, we shall set aside 15 minutes and three-to-five people, having 2 minutes each, can say what they want. Fifteen minutes have been set aside. Comrade Yarin, did you want to speak? Please. But briefly, please.

V.A. Yarin, operator at V.I. Lenin Nizhne-Tagil Metallurgical Combine, city of Nizhniy Tagil (Nizhnetagilskiy Territorial Electoral District, RSFSR): We, people of the Urals, very rarely give praise. I want to ask in advance of the esteemed pretender to such a high position to understand me properly. And I want you, esteemed colleagues and national leaders, to understand me properly, too. It seems to me that it would be proper (considering the fact that the name of Sukharev to a certain extent is nevertheless associated with questions raised in connection with the Gdlyan group) not to examine this question today, but wait for the conclusions of the commission. Not in any way do I want to cast any kind of shadow of suspicion; but it seems to me that the people will accept us more properly if we do today that I am proposing to you.

Yu.V.V. Golik, dean of the juridical department, Kemerovo State University, city of Kemerovo (Central Territorial Electoral District, RSFSR): Comrades, in spite of all my respect to our chairman, I want to express a challenge to the candidature of Aleksandr Yakovlevich Sukharev, and here is why. I have not complaints against Aleksandr Yakovlevich Sukharev as a person. I simply do not know him. And I have no complaints at all against him as a scholar. Here, everything, we can say, is normal. But I have complaints against him as a prosecutor, in spite of the fact that he has been working a short period of time.

What are these complaints based upon? First of all, on the opinion of officials of the procuracy. In order not to be too verbose, I shall base my argument on the fact that I have questioned the procuracy officials in many Siberian oblasts on this question in Tomsk, Novosibirsk and, it goes without saying, in my native city of Kemerovo. I have discussed this question with procuracy officials of the Russian Federation. I have discussed this question with officials at the central staff; that is, with officials at the USSR Procuracy, and also with officials at a number of other procuracies—both republic and oblast-level. The overall conclusion is rather poor. In the USSR Procuracy, for example, things have come to the point that they are hanging something like a "datszybao" [Chinese wall-newspaper with large characters] on the walls. But this is their internal affair, let them deal with it themselves.

A great deal of delay is observed in the activities of the procuracy in solving a mass of practical questions. If we thoroughly analyze the orders from the general prosecutor for the last 6 months; that is, those signed by Aleksandr Yakovlevich, I would say they have begun to assume a personal character. At times simply a very petty character. There is a lot of verbiage in these orders and few concrete statements. And after all, an order is a guiding document, on the basis of which all the subordinate prosecutors must structure their work.

I ask that Aleksandr Yakovlevich not take offense at me in this question, but nevertheless he is, to put it mildly, of a rather mature age. Right now the time for our prosecutorial work is very, very complex and requires an exceptionally great expenditure of energy. It was not for nothing that in the old days they used to say that the prosecutor is the eyes of the sovereign, and as his eyes he must be vigilant and indefatigable. Right now that is not so. I ask my colleagues to support my opinion. I have concrete proposals on this question, and I am ready to express them at any time that Mikhail Sergeyevich says so. Please. (Applause).

A.D. Melikov, composer, department chief at U. Gadzhibekov Azerbaijan State Conservatory, city of Baku (Salyanskiy Territorial Electoral District, Azerbaijan SSR): Aleksandr Yakovlevich, I wish at ask a question: Should the procuracy become involved in a case on defending the people's rights, when the procuracy learns of these violations through the press, radio, and television, not to mention direct appeals? I have a second question: Can the procuracy influence....

Gorbachev: We have finished the questions, right?

Deputies: Yes.

Melikov: Then I will pose the question: A great many questions are being raised in our press, which actually become the source of rumors. Sometimes these reports end with deaths. Without a trial it is impossible to determine the guilty party, but one can determine the number of people who have already perished, so that people would know the actual facts, so that this figure would not be exaggerated. Can the procuracy influence the official organs, so that the people would know only the truth; so that rumors and distortion of facts would not lead to another unpleasant event, especially between our two republics?

Gorbachev: Comrade Burlatskiy.

Burlatskiy: Comrade deputies, I ask your pardon that I speak for the second time today, but the fact of the matter is that I have known Aleksandr Yakovlevich Sukharev for more than 25 years. At one and the same time we received our juridical education, and at one time we worked at the party Central Committee. I want to call you; attention to the information which you have. In 1966 Comrade Sukharev occupied the post of deputy chief of the administrative department, and was unexpectedly made section chief of this department. Because he then showed that he was a man with independent views in the time of Brezhnev, a man with progressive

and democratic views. I have worked with him along the lines of associate jurists and along the lines of a social commission for the struggle for human rights. We have held a great number of conferences, and I was repeatedly convinced of the fact that he takes the most democratic and progressive positions on all questions of principle: both in courtroom defense, and in the public prosecutor's office, and in bringing our laws into full accord with international law. I would like to state my wishes to Comrade Sukharev. To the extent that I understand the situation with which he is now faced, and could not help facing in the procuracy, it is a question of putting things in order, especially in this organization—in order that this organization may truly help support order in our country. And I wanted to state the desire, Aleksandr Yakovlevich, that this be done persistently and firmly, taking as an example that which has been done at the Ministry of Foreign Affairs, so that this would touch on both the methods, and the principles, and the people who work in the procuracy. Thank you.

From the audience: Highly esteemed Aleksandr Yakovlevich, may I answer two questions for you? The first question: You have not worked for very long in the procuracy. This is absolutely true, but I would like to call the attention of my highly-esteemed colleagues to the fact that this is a great honor. Especially if we remember the procuracy with which the struggle is being waged today, Sukharev—the man, who is free from ties with that procuracy which we want to have done with today.

The second argument: Age. Yes, one could say that the candidate for general prosecutor is old enough to be my father. He is almost twice as old as I. But there are two positions in which I would like to see people of just that age: One is the general prosecutor; and the other, the country's chief justice. That is my profound conviction. I did not meet with any of my colleagues and therefore have the right to speak only for myself personally, and my constituents. I move that we put the proposed candidature to a vote. Thank you. (Applause).

N.A. Kryuchenkova, a teacher at Inzhavino Secondary School No 2, town of Inzhavino in Tambov Oblast (Zherdevskiy Territorial Electoral District, RSFSR): I have come here because half my district is the district of RSFSR Supreme Soviet Deputy Sukharev. And I have never had any dealings with him; however, I know for a fact that many of my constituents appeal to Sukharev for assistance and consultations. Even when I came here, once again many people gave me instructions to appeal to Sukharev himself. Even procuracy officials advised me: Look, on this kind of question, please go to Sukharev. This testifies to Sukharev's prestige. And then, how is it that when we speak about judges, they can occupy their post for life; whereas, when we talk about the prosecutor—it's that he's a little old.

I want to express my desire to Aleksandr Yakovlevich to take up the concern of the legal protection of militia officials. At one time militiamen were so untouchable that they could do whatever they wanted. But now it has become fashionable to make militia officials accountable, and the matter revolves around excesses. Because during a criminal investigation, the people will not come forth as witnesses; they are afraid that later the criminals will take revenge on them. Officials of law-enforcement organs must, in my view, have legal protection. I will vote for Sukharev, and I think that it is fitting to do so.

Gorbachev: This is the last speech. If I had begun to hold back those who have spoken, then I would not have given the floor to half, especially to the group of active jurists. Comrade Sobchak in that case would be deprived of an opportunity to speak for two seasons in a row. And that must not be.

From the audience: Comrades, in recent weeks I have had to appeal to Comrade Sukharev on a number of questions. I see in him as an exceptionally erudite jurist and a man of very high preparation. After every conversation I left with a feeling of great satisfaction. In addition to his juridical erudition, he has a great deal of humanity. If "wall newspapers" are hung somewhere, it means that someone does not like him; but if he tried to please everyone, it would be a very bad thing; because many shadows have fallen on the procuracy where he used to work. Therefore, if "wall newspapers" appear, this speaks to the fact that he is a very demanding prosecutor. Therefore, I think that he is an honorable man. He is a little bit older than I, but he is strong.

Gorbachev: And so, two proposals have been outlined in detail. The first, is the one which I introduced, utilizing my authorization. And the second, which I believe Comrade Yarin expressed: Put everything aside for now, and do not present any complaints at all against Comrade Sukharev. In general, as you know, there can be all kinds of questions. When we investigate, the need may arise for us to make new decisions. Here, so to speak, anything is possible. Nevertheless, comrades, how do you feel? Shall we make the appointment now?

Voices from the audience: Yes.

M.S. Gorbachev: Fine. Who is in favor of appointing Comrade Aleksandr Yakovlevich Sukharev? Please raise your documents. Please lower them. Who is against? (The votes are counted). Against—27. Please lower them. Who abstains? (The votes are counted). Abstentions—36. Thus, Comrade Aleksandr Yakovlevich Sukharev is appointed USSR general prosecutor by a majority of votes. (Applause).

Now, if a discussion does not arise, let us talk briefly about the Supreme Soviet committees. We have already discussed them with regard to the chambers. So these are the committees that were suggested, stemming from the discussion in the chambers:

For International Affairs
For Defense and State Security Questions

For Questions of Legislation, Legality, and Law and Order
For Questions of the Work of Soviets of People's Deputies and of the Development of Management and Self-Management
For Economic Reform Questions
For Agrarian Questions and Food
For Construction and Architecture Questions
For Science, Public Education, Culture, and Upbringing
For the Protection of the People's Health
For the Affairs of Women and of Family, Mother, and Child Protection
For the Affairs of Veterans and Invalids
For Youth Affairs
For Questions of Ecology and the Rational Use of Natural Resources
For Questions of Glasnost and Citizens' Rights and Appeals.

I am sure that comrades will not find some things among those I have named. It turned out here that a compromise had to be found.

A.I. Lukyanov: There are the commissions, too....

M.S. Gorbachev: Well, the commissions, yes. I am talking about the committees now, concerning the Supreme Soviet as a whole, for the committees will serve both chambers and the Supreme Soviet as a whole.

Of course, I have listened to all the discussion, sitting to one side, so to speak, and I liked the discussion in general, as deputies questioned both Comrade Lukyanov and others and themselves said a very great deal. I have drawn the conclusion for myself that we probably have not achieved the optimum at the first attempt. I have this feeling. We are getting away from what used to happen in the Supreme Soviet, and we want the committees to express the new height and the new level of work and the status and role of our Supreme Soviet. We seem to have made solid progress. But, at all events, all the time everyone wanted to find in the discussion a mention of his own sector, sphere, and so forth. This happened. But, probably, it must not. And again. Someone said that there really is, nonetheless, maybe, a certain eclecticism. Yesterday this was said in the Soviet of Nationalities. The "adding on" of questions gradually increased and increased.... There was "science and education," and then "upbringing and culture" was added. But, in general, what approach is to be taken here? Culture in the broad sense is culture, so to speak, both material and spiritual, and if a sphere more closely linked to spiritual criteria, then, perhaps, this is quite possible, science and education—this is a process taking place—and culture of upbringing.

Why am I saying this?... I thought: How are we to get out of this situation? Perhaps, as many people said, we still have some more work to do, probably—let us see what will happen. Probably this is the correct approach, comrades.... Now we have reached a certain stage, and now we must start working. First, we ourselves must work out—who is to join a particular committee or commission must understand whether or not he has ended up there [sentence as published]. And we must find forms of work, and it will probably come to light whether something either is not covered or is simply mechanically attached to some committee or commission. Therefore I would not consider that you and I will adopt such a perfectly ideal document now. But, comrades, we must probably do this and start work. The rest is in the hands of the chamber and in the hands of the Supreme Soviet. Moreover, the bulk of the Supreme Soviet will work here. Yes, people rightly say that it is still possible to express some aspect of domestic and foreign policy through a subcommission, through a subcommittee. It will, probably, be possible to take account of this. Well, comrades? This is what I think—if we now continue making comments, they, too, will probably be substantial. But since we have synthesized everything that we accumulated during the preliminary work with regard to these committees, it would be possible to vote now. Well, comrades? Can we vote?

The hall: Yes.

M.S. Gorbachev: And begin allocating forces, so to speak. Then, comrades, with regard to our mutual understanding, I put to the vote the question of adopting a decision to have the below-mentioned [as published] committees under the Supreme Soviet. Please raise your documents. Please lower them. Any against? No. Abstentions? No.... So the road has been opened up for improvement; this is the most important point.... This is the first compromise, let us say, in the Supreme Soviet....

Comrades, I thank you for your work and your active participation. This has been a very important period of time in the work. I wish you all the best. Yes, 1 minute, please sit down. Tomorrow, I have already announced, we meet at 1000. But I would like to ask something. Should we not, given the situation that has taken shape in Uzbekistan (we wanted to decide this at the congress, but the Supreme Soviet must, perhaps, take on more and more), should we not in this situation, Rafik Nishanovich and the comrades from Uzbekistan, send the most respected and authoritative deputies in the Uzbek delegation there now, to the republic, so that they can be on the spot? Well, comrades, is that right?

The hall: Yes.

M.S. Gorbachev: This question has arisen here from Uzbekistan itself, and there has even been a telegram. Comrade Kadyrov probably needs support, advice, and assistance. And comrades at the congress—Popov and Poltoranin—have sent a note that we must back up the appeal that we have made by having the most authoritative people sent out right today or tomorrow morning and help to defuse the situation there on behalf of the Supreme Soviet. Is that so, comrades?

From the hall: Yes.

M.S. Gorbachev: Let Comrade Nishanov and his comrades from Uzbekistan (this all coincides both within the framework of the chamber and within the framework of the republic) decide. Not the whole delegation, of course. You will find someone....

All the best, comrades.